

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-first Legislature Second Regular Session - 2012

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 538

BY BUSINESS COMMITTEE

AN ACT

RELATING TO LEGAL NOTICES IN NEWSPAPERS; AMENDING SECTION 60-106, IDAHO CODE, TO REVISE A PROVISION RELATING TO THE AMOUNT OF TIME OF CONTINUOUS AND UNINTERRUPTED PUBLISHING REQUIRED FOR A WEEKLY NEWSPAPER THAT PUBLISHES LEGAL NOTICES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 60-106, Idaho Code, be, and the same is hereby amended to read as follows:

60-106. QUALIFICATIONS OF NEWSPAPERS PRINTING LEGAL NOTICES. No legal notice, advertisement or publication of any kind required or provided by the laws of the state of Idaho, to be published in a newspaper, shall be published or have any force or effect, as such, unless the same be published in a newspaper of general interest published in the state of Idaho, and which newspaper if published weekly, has been continuously and uninterruptedly published in the county during a period of ~~seventy-eight~~ twenty-four (24) consecutive weeks prior to the first publication of the notice, or advertisement, and, if published daily, has been so published as a daily newspaper in the county during a period of twelve (12) consecutive months prior to the first publication of the notice or advertisement; provided that, notwithstanding any other provision of Idaho laws, the term "newspaper of (or having) general circulation," wherever used in Idaho Code as a qualification of newspapers required to be used for the publication of notice, shall mean a "newspaper," as defined in this section, that is published within the boundaries of the governmental entity wherein the notice is required to be published and which newspaper has the largest paid circulation among all newspapers published in that governmental entity as verified by the sworn statement of average total paid or requested circulation for the preceding twelve (12) months that was filed on the annual statement of ownership, management and circulation with the U.S. postal service on the date immediately preceding the date of the required publication of notice; excepting that, where no newspaper is published within the governmental entity required to publish a notice, the term "newspaper of (or having) general circulation" shall mean the newspaper with the largest paid circulation published within any county in which the governmental entity is located, or the newspaper published nearest to the boundaries of the governmental entity; provided, that nothing in this chapter shall invalidate the publication of such notice or advertisement in any newspaper which has simply changed its name, frequency of publication, suspended publication because of an act of God, or public enemy, fire, strike, or other labor dispute, explosion, flood, government prohibition, government requisition of essential property, preferential government orders, breakdown, legal acts of public authorities or other acts beyond the control of the publisher for a period of not to exceed six

1 (6) months, or changed the place of publication from one part of the county  
2 to another part thereof, without breaking the continuity of its regular  
3 issues for the required length of time: and, provided further, that this  
4 chapter shall not apply to counties in which no newspaper has been published  
5 for the required length of time: provided the term "Newspaper" as used in  
6 this section shall apply only to such newspapers of general interest made up  
7 of at least four (4) pages of at least five (5) columns each, printed from  
8 type matter or from "slugs" cast upon the linotype or intertype or similar  
9 "slug-casting" machine, or by the process known as "offset," or stereotyped  
10 forms of at least seventeen and three-fourths (17 3/4) inches depth; or,  
11 if smaller pages, then comprising an equivalent amount of type matter, and  
12 which shall have at least two hundred (200) bona fide subscribers living  
13 within the county in which the newspaper is published at regular intervals  
14 and, in no case, less frequently than once a week; provided that a newspa-  
15 per produced by the process known as mimeographing or similar methods shall  
16 not be deemed a legal newspaper for publications of any kind. And provided  
17 further, that any duly qualified newspaper, as hereinbefore defined, shall  
18 not forfeit its standing as such by reason of the fact that it has suspended  
19 publication for all or any part of the period during which the United States  
20 has been or shall be engaged in the prosecution of any war, or for one (1)  
21 year following the date of the proclamation of the President of the United  
22 States declaring that this nation is no longer at war, or the termination  
23 of a state of war shall be otherwise established. And if any such newspaper  
24 shall resume regular publication within one (1) year from the date when the  
25 termination of the state of war shall be so established, it shall then be as  
26 fully qualified to publish any legal notice, advertisement, or publication  
27 required to be published by the laws of the state of Idaho, as if such newspa-  
28 per had not suspended regular publication during the above mentioned period  
29 of time.

30 No newspaper shall qualify under this section unless the same shall hold  
31 a valid second class mailing permit from the United States Post Office. Any  
32 violations of the previous requirements of this section concerning printing  
33 of newspapers other than in the governmental entity in which a notice or ad-  
34 vertisement is required to be printed are hereby excused and any advertise-  
35 ment published in any such newspapers is hereby validated.